



SECTION G – BENEFITS

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I. Holidays

I.1. Holidays–Policy

Employees are eligible for holiday pay in accordance with their employment status and the number of hours on pay status in the month in which the holiday occurs.

I.1.1. Limitation on Holiday Pay

Holiday pay for full-time employees, except firefighters, is limited to a maximum of 8 hours per holiday, in accordance with [Table G-1](#), regardless of the work schedule to which the employee is assigned.

I.1.2. Application to Alternate Work Schedules

a. Limited-Time Employees

(i) Holidays Falling on Scheduled Workdays

If a holiday falls on a 10-hour workday for a limited-time employee assigned to a 4/10 work schedule or on a 9-hour workday for a limited-time employee assigned to a 9/80 work schedule, the employee must report the time in excess of the 8 hours as vacation or leave without pay.

With prior approval from the supervisor, the employee may request a Holiday Reschedule in accordance with [Section L.I.6.1.b.](#) to make up the hour(s) by working a like number of hours within the same workweek (see [Section L.I.1.3.1. Standard Laboratory Workweek](#) and [Section L.I.1.3.3. Alternate Workweek for Limited-Time Employee on 9/80 Work Schedule](#)).

(ii) Holidays Falling on Scheduled Days Off



[See Section G.I.1.3.a.](#)

b. Unlimited-Time Employees

If a holiday falls on a 10-hour workday for an unlimited-time employee assigned to a 4/10 work schedule or on a 9-hour workday for an unlimited-time employee assigned to a 9/80 work schedule, the employee does not report effort in excess of the 8 holiday hours as vacation or leave without pay. However, over the course of a calendar month, the unlimited-time employee is expected to account for 100% of the working hours of the month through effort reporting. [See Section L.I.9.3.](#)

I.1.3. Holidays Falling on Scheduled Days Off

a. Limited-Time Employees

A full-time limited-time employee whose regular day off falls on a holiday observed by the Laboratory may be granted time off in the same workweek equivalent to the number of holiday hours that fall within the employee's workweek. If time off is not granted, the hours attributable to the holiday are considered time worked for purposes of computing overtime pay, in accordance with Section [L.I.8.5](#) and [L.I.9.1](#). [See also Section L.I.1.3.1 Standard Laboratory Workweek](#) and [Section L.I.1.3.3 Alternate Workweek for Limited-Time Employees on 9/80 Work Schedule.](#)

b. Unlimited-Time Employees

When a holiday observed by the Laboratory falls on a full-time unlimited-time employee's regular day off, the employee may be granted another day off in the calendar month in which the holiday falls.

I.2. Eligibility for Holiday Pay

I.2.1. Fulltime Career Employees

Fulltime career employees receive holiday pay when on pay status the last scheduled working day before the holiday and the first scheduled work day following the holiday. ([See also Section G.I.4.](#))

I.2.1.1. New and Rehired Fulltime Career Employees

New and rehired fulltime career employees receive holiday pay for holiday(s) immediately preceding their first day of work, when the holiday(s) is the first working day(s) of the pay period.

I.2.1.2. Terminating Fulltime Career Employees

Terminating fulltime career employees receive holiday pay for holiday(s) immediately following their last day of work, when the holiday(s) is the last working day(s) of the pay period.

I.2.2. Fulltime Temporary and Part-Time Employees

Fulltime temporary and part-time employees receive holiday pay when they are on pay status one-half or more of the working hours of the month, excluding holiday hours, in accordance with [Table G-1](#). Such employees do not receive holiday pay for a holiday(s) that occurs before the first day of work or after the last day of work.



I.2.3. Indeterminate-Time Employees

Indeterminate-time employees receive holiday pay when they are on pay status one-half or more of the working hours, excluding holiday hours, of the month. (See Table G-1.) Payment for the holiday is made the month following the month in which the holiday(s) falls.

Such employees do not receive holiday pay for a holiday(s) that occurs before the first day of work or after the last day of work.

Table G-1. Holiday pay for part-time and indeterminate-time employees.

Hours on pay status ^(a) (month)					Percentage ^(b) of time on pay status	Hours of holiday pay
144	152	160	168	176		
0-71	0-75	0-79	0-83	0-87	-	0
72-81	76-85	80-89	84-94	88-98	50-56	4
82-99	86-104	90-109	95-115	99-120	57-68	5
100-117	105-123	110-129	116-136	121-142	69-80	6
118-135	124-142	130-149	137-157	143-164	81-93	7
136-144	143-152	150-160	158-168	165-176	94-100	8

^(a) Paid hours, *excluding* holiday hours.

^(b) An employee employed on a percentage-of-time basis earns in accordance with the appointment, provided the employee is not off pay status during the month.

I.3. Extra Pay for Holiday Work

I.3.1. Unlimited-Time Employees

Unlimited-time employees do not receive extra pay when required to work on a holiday.

I.3.2. Limited-Time Employees

Limited-time employees are paid at the rate of time and one-half for hours worked on a holiday, in addition to holiday pay.

I.4. Holiday Pay During Leave without Pay

Fulltime career employees on an approved leave without pay for a period of not more than twenty calendar days, including holidays, receive pay for any holiday occurring during the leave without pay.

Employees on unauthorized absence or on suspension for disciplinary reasons are not eligible for such holiday pay.

Part-time and indeterminate-time employees are not eligible for such holiday pay.



I.5. Special or Religious Holidays

Employees may observe special or religious holidays when the department head/division leader determines that work schedules permit the time off. Employees may have such time off charged to accrued vacation credits or to leave without pay.

I.6. Holidays Observed

The holidays listed below are observed by the Laboratory as administrative holidays:

- New Year's Day
- Martin Luther King, Jr., Day (third Monday in January)
 - President's Day (third Monday in February)
 - Memorial Day (last Monday in May)
 - Fourth of July
 - Labor Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- December 24 (or announced equivalent)
 - Christmas Day
- December 31 (or announced equivalent)
- One administrative holiday to be selected by the President of the University

Holidays are considered to extend over a twenty-four-hour period, but no employee may receive more than eight hours of holiday pay for each holiday.

When a holiday falls on a Sunday, the following Monday is observed as a holiday. When a holiday falls on a Saturday, the preceding Friday is observed as a holiday unless an alternate day is designated by the President.

II. Vacation

II.1. Vacation–Policy

Employees, including Scholar Employment Program appointees, earn vacation credit each month based on the percentage of time or the number of hours on pay status that month at a rate determined by the length of qualifying service. Temporary employees hired to work less than six months are not eligible to accrue vacation credit.

II.2. Qualifying Service to Determine Rate of Vacation Credit

Qualifying service to determine the rate of vacation credit is based on the following:

- A month of service at one-half time or more is a month of qualifying service.
- Payment for the service must have been made by the Laboratory, the University (including the Lawrence Berkeley National Laboratory and the Los Alamos National Laboratory), the State of California (including Hastings College of Law), or the California State University.
- Time on military leave from the above institutions is counted.
- Service need not be continuous.



II.3. Rate of Earning Vacation Credit and Maximum Credit Allowable

II.3.1. Employees (Except Firefighters and Academic Appointees)

Employees (except firefighters and academic appointees) accrue vacation credit at the accrual rates set forth in with Table G-2.

Table G-2. Vacation credit accrual.

Years of qualifying service	Vacation credit actual rate (hrs per month)	Maximum allowable credit (hrs)
Less than 10	10	240
10 but less than 15	12	288
15 but less than 20	14	336
20 or more	16	384

II.3.2. Firefighters

Firefighters who average fifty-six hours of work per week accrue vacation credit at the accrual rates set forth in Table G-3.

Table G-3. Vacation credit accrual for firefighters.

Years of qualifying service	Vacation credit actual rate (hrs per month)	Maximum allowable credit (hrs)
Less than 10	14	336
10 but less than 15	17	403
15 but less than 20	20	470
20 or more	22	538

II.3.3. Academic Appointees

Academic appointees, other than those eligible to accrue sabbatical leave, accrue vacation credits in accordance with the accrual rates set forth in [Table G-2](#).

Academic appointees eligible to accrue sabbatical leave accrue vacation credit at the rate of 14 hours per month in proportion to the percentage of time worked at the Laboratory. The maximum accrual for such appointees is limited to the hours required to complete the sabbatical leave granted by the University or to two years' accrual for those who work summers only. The maximum vacation credit payable upon termination is limited to the amount of vacation credit earned during the last two years of service.

II.4. Accrual of Vacation Credit

All employees accrue vacation credit on a monthly basis based on the following calculation:



$$\frac{(\text{Straight time hours in pay status} \times \text{accrual rate})}{(\text{Number of nonweekend days in month} \times 8)} = \text{Vacation credit,}$$

with the result rounded to the nearest one-half hour, except that

- Vacation credit does not accrue for time on pay status in excess of forty hours in any workweek, except for firefighters. ([See Section G.II.3.2.](#))
- Paid overtime hours and on-call hours are not counted as hours on pay status for purposes of vacation accrual. Paid holidays are counted.
- Fulltime career employees who are on leave without pay or who do not work the full month receive full vacation credit for that month provided they are in pay status for at least one-half the nonweekend hours of the month. Full credit is not allowed in such cases for more than two consecutive months. Fulltime career employees who are on leave without pay or who work less than one-half of the full month receive vacation credits pro-rated according to the number of hours on pay status.

Vacation credit for each month is accrued and reported at the end of the month, except that terminating employees eligible to accrue vacation credit accrue proportionate credit through the last day on pay status.

II.4.1. During Leave with Pay

Vacation credit accrues during a leave with pay, except that employees on Professional Research or Teaching Leave do not accrue vacation credit during the leave period.

II.5. Use of Vacation

Vacation with pay is provided to give employees periods of relaxation from their work duties and responsibilities. Vacations are scheduled at the convenience of the Laboratory and with consideration of the wishes of employees.

Vacation credit cannot be used prior to the time it is accrued.

Absence for illness, disability, or personal reasons (e.g., special or religious holidays or shopping) may be charged to vacation. To use vacation leave for illness or disability, an employee may be required to submit medical certification from a health care provider of their own illness or disability or that of a family member, when vacation leave is used for family and medical leave purposes.

Upon request, employees shall be granted vacation before their accrued credit reaches the maximum credit allowable. ([See Sections G.II.3.1. and G.II.3.2.](#))

Employees cannot be paid vacation for the same period they are working and are on pay status at the Laboratory or any other position paid by University funds.

II.6. Limitations on Vacation Pay

Vacation pay is limited to a maximum of eight hours per day and forty hours per week, except that

- Employees on alternate work schedules may charge vacation in accordance with their scheduled hours of work, but not in excess of forty hours a week.
- Firefighters on a twenty-four-hour-shift schedule may charge vacation on an hour-for-hour basis, but not in excess of their scheduled hours of work.



II.7. Transfer of Vacation

Employees who terminate to transfer to the Los Alamos National Laboratory, the Lawrence Berkeley National Laboratory, or another University location are paid for all unused, accrued vacation credits upon termination.

Vacation credits for employees transferring between Laboratory departments/divisions transfer with the employee.

II.8. Termination Vacation Pay

Employees who terminate from the Laboratory are paid for vacation credit accrued through the last day on pay status.

The effective date of termination is ordinarily the last day of work, except that employees who are retiring may use vacation up to the effective date of retirement.

employees who are not retiring but are terminating may use accrued vacation between the last day of work and the date of termination with the prior approval of the department head/division leader.

II.9. Retention or Cash Out of Accrued Vacation for Extended Military Leave

Employees have three options for addressing any accrued vacation when commencing extended military leave. See [Section G.V.5.c.](#)

III. Sick Leave

III.1. Sick Leave—Policy

Sick leave is provided to continue the pay of eligible employees who would otherwise be on pay status but who are unable to work because of illness or disability. Sick leave is also provided for medical appointments and, on a limited basis, in the event of death or illness of a family member.

Employees may be required to submit satisfactory proof of illness or disability.

Sick leave accrues each month based on the percentage of time or number of hours on pay status, excluding overtime pay, that month.

Employees must be on pay status at least one-half of the working hours of the month to accrue sick leave credit for that month.

III.2. Rate of Earning Sick Leave Credit

Sick leave credit is earned at the rate of eight hours per month for fulltime work, except that firefighters earn eleven hours per month based on an average workweek of fifty-six hours.

III.3. Accrual of Sick Leave Credit

III.3.1. Eligibility To Accrue Sick Leave

All employees accrue sick leave credits on a monthly basis based on the following calculation

$$\frac{(\text{Straight time hours in pay status} \times \text{accrual rate})}{(\text{Number of nonweekend days in month} \times 8)} = \text{Sick leave credit,}$$

with the result rounded to the nearest one-half hour, except that



- Employees, other than academic appointees and biweekly paid 50%-time employees, who are in pay status less than one-half of the nonweekend hours in the month accrue no sick leave credit.
- All academic appointees accrue sick leave credit in proportion to the percentage of full time worked, even if on pay status less than one-half of the nonweekend hours of the month.
- Biweekly paid 50%-time employees who fulfill the 50%-time work schedule accrue proportionate sick leave even if in pay status less than one-half of the working hours in the month.
- Fulltime career employees who are on leave without pay or who do not work the full month receive full sick leave credit for that month provided they are in pay status for at least one-half the nonweekend hours of the month. Full credit is not allowed in such cases for more than two consecutive months.

III.3.2. During Leave with Pay

Sick leave credit accrues during a leave with pay, except that employees on Professional Research or Teaching Leave do not accrue credit during the leave period.

III.3.3. Limitations on Accrual

Sick leave credit for each month is accrued at the end of the month, except that terminating employees eligible to accrue sick leave credit accrue proportionate credit through the last day on pay status, provided they are on pay status at least one-half of the working hours of the month.

Sick leave credit does not accrue for time on pay status in excess of forty hours in any workweek, except for firefighters. ([See Section G.III.2.](#))

Paid overtime hours are not counted as hours on pay status for purposes of sick leave accrual. Paid holidays are counted.

III.3.4. Maximum Accrual

There is no maximum on the amount of sick leave that may be accrued, nor on the amount that can be used in any year for an employee's own illness.

III.4. Use of Sick Leave

Employees can use sick leave as provided below.

III.4.1. Charging Sick Leave

III.4.1.1. Fulltime Employees

Fulltime employees may charge a maximum of eight hours per day and forty hours per week, including an extended workweek, except that

- Employees on alternate work schedules may charge sick leave in accordance with their scheduled hours of work, but not in excess of forty hours per week.
- Firefighters on a twenty-four-hour-shift schedule may charge sick leave on an hour-for-hour basis, but not in excess of their scheduled hours of work.



III.4.1.2. Part-Time Employees

Part-time employees may not charge sick leave for more than eight hours per day or in excess of their scheduled hours of work.

III.4.1.3. Indeterminate-Time Employees

Indeterminate-time employees may not use sick leave unless they have been scheduled to work and are unable to work. Use of sick leave is limited to the number of hours they were expected to work.

III.4.1.4. Exhaustion of Credits

When sick leave credits are exhausted, sick leave time will be charged to accrued vacation credits unless the employee specifically requests, and the department head/division leader approves, charging the time to leave without pay.

III.4.2. Sick Leave for Medical Appointments

The amount of sick leave that may be used for medical, dental, or optical appointments is limited to appointment time and reasonable travel time.

III.4.3. Sick Leave During Vacation

Employees may use sick leave while on vacation when specifically approved by the department head/division leader. A physician's statement or other administratively acceptable evidence is required.

III.4.4. Sick Leave During Pregnancy

Employees may use sick leave for pregnancy-related illnesses or disabilities, as in the case of other illnesses.

III.4.5. Family Sick Leave

III.4.5.1. Family Member Defined

For purposes of this policy, family members are defined as spouse, registered domestic partner, parents, children, children of registered domestic partner, brothers, sisters, grandparents, and grandchildren, including step relatives and in-laws in these relationships, regardless of place of residence, and other persons living in the employee's household for whom there is a personal obligation.

III.4.5.2. Family Illness

Employees can use not more than thirty days of accrued sick leave in any fiscal year for the required attendance or care of an ill family member as defined in [G.III.4.5.1](#). The Laboratory Director may authorize exceptions beyond the 30-day limit, including exhaustion of all sick leave, in the event of catastrophic illness in the employee's family or household.

III.4.5.3. Bereavement

Employees can use not more than five days of accrued sick leave for each absence resulting from the death of a family member as defined in [Section G.III.4.5.1](#).

In addition, an employee can use not more than a total of five days of sick leave in any calendar year in the event the employee has a personal obligation with regard to a funeral attendance or bereavement because of the death of any persons other than family members.



III.4.6. Attendance Upon Mother at Time of Childbirth

A father or adoptive parent may use up to eight (8) hours of accrued sick leave for his /her attendance at the birth of the child. This is in addition to the amounts specified in Section [G.III.4.5.2](#). Family and Illness and Section [G.III.4.7](#). Sick Leave for Birth or Adoption.

III.4.7. Sick Leave for Birth or Adoption

A natural father or adoptive parent may use up to eighty (80) hours of accrued sick leave at the time of birth or adoption for care of the child. This is in addition to the amounts specified in Section [G.III.4.5.2](#). Family and Illness.

III.4.8. Use of Sick Leave on Separation, Layoff, and Leave without Pay

Employees may not use or receive pay for sick leave beyond a predetermined date of separation (including layoff and retirement) or during a leave without pay.

Employees are eligible to receive 0.004 of a year of credited service in UCRP or Public Employees' Retirement System (PERS) for each day of unused sick leave accrued up to the date of separation, provided they retire under UCRP or PERS within four months of the separation date.

III.5. Transfer of Sick Leave

Employees who terminate from other University locations to transfer to the Laboratory have all accrued, unused sick leave transferred to their Laboratory account.

III.6. Reinstatement of Sick Leave Credit

Sick leave credit accumulated during previous employment with the Laboratory, the University of California, or the State of California is reinstated upon hire at the Laboratory as follows:

- All accrued sick leave credit is reinstated when the break in service is less than fifteen calendar days.
- Accrued sick leave, not in excess of eighty hours, is reinstated when the break in service is fifteen calendar days or more, but less than six months.
- No sick leave credit is reinstated when the break in service is six months or more.
- All accrued sick leave credit is reinstated when employees are rehired from right-to-rehire and preference-for-rehire status.

III.7. Return to Work Following Sick Leave

Employees are required to report to the Health Services Department for a return to work clearance for:

- Work-related injury or illness involving one or more lost workdays.
- Non-work-related injury or illness of five or more consecutive work days, or
- Non-work-related injury or illness requiring hospitalization or surgery.

In addition, refer to [ES&H Manual. Document 10.1](#) Occupational Medical Program.



IV. Use of Sick Leave and Vacation for Work-Incurred Injury or Illness

IV.1. Policy

Employees who accrue sick leave and vacation credits and who are unable to work as the result of a work-incurred injury or illness compensable under the State of California Workers' Compensation Act are eligible to

- a. Use accrued sick leave and vacation credits to supplement the disability payments received under the Act.
- b. Receive extended sick leave payments when sick leave is exhausted.

IV.2. Use of Accrued Sick Leave and Vacation

Employees who accrue sick leave and vacation credit are permitted to use accrued sick leave and vacation credit to supplement temporary disability payments received under the Workers' Compensation Act. Sick leave and vacation payments shall be the difference between the amount payable to the employee under the Workers' Compensation Act and the employee's regular salary (base pay plus shift differential). The additional payment made to an employee to provide the employee with full salary prior to receipt of disability payments shall be deemed an advance temporary disability payment within the Workers' Compensation Act:

- a. An employee who receives advance temporary disability payments shall reimburse the Laboratory for such payments. The reimbursement is used to restore proportionate sick leave and vacation credit as appropriate.
- b. During the employee's absence from work, time is charged to accrued sick leave and vacation credits.

IV.3. Extended Sick Leave

Employees who are receiving temporary disability payments and who have exhausted all accrued sick leave shall receive extended sick leave payments from the Laboratory in an amount equal to the difference between the payments from Workers' Compensation and 80% of the basic salary plus any shift differential which would have been received. If such an employee returns to part-time Laboratory duties, the earnings plus any temporary disability payments, if less than 80% of basic salary plus shift differential, shall be supplemented to 80% by extended sick leave payments, provided the employee continues to be medically authorized for Workers' Compensation temporary disability. Total extended sick leave payments shall not exceed twenty-six weeks for any one injury or illness.

Employees who do not have sufficient sick leave to cover the three-calendar-day waiting period before the commencement of temporary disability payments are eligible for extended sick leave payments (see above) to cover any part of the waiting period not covered by sick leave.

Employees who do not elect to use all sick leave credits are not eligible for extended sick leave benefits.



IV.4. Effect on Personnel Policies

Employees who are receiving temporary disability payments supplemented by accrued sick leave or vacation are considered to be on regular pay status for purposes of all personnel policies except completion of the probationary period. Sick leave and vacation may be used as accrued.

Employees who are receiving temporary disability payments and extended sick leave payments are also considered to be on regular pay status for purposes of all personnel policies, except completion of the probationary period. However, sick leave and vacation accrued during such periods are credited to the employee only upon returning to work. If the employee terminates without returning to work, the accrued vacation is paid.

An employee on leave without pay receiving temporary disability payments, who then returns to work, is credited with sick leave and vacation as if the employee had been on regular pay status. If the employee terminates without returning to work, no payment is made for such vacation credit.

In no event can an employee use vacation, sick leave, or extended sick leave to supplement Workers' Compensation payments beyond a predetermined date of termination or leave without pay. Any vacation credit remaining on the date of termination is paid on a lump-sum basis.

IV.5. Law Enforcement and Active Firefighting and Prevention Service Members—Leave with Pay

There are special provisions of the California Labor Code (Sections 4804.1 and 4806) applicable to Laboratory employees classified as safety service members for retirement purposes (firefighters, police sergeants and lieutenants). Under specified conditions (set forth in the Labor Code), such employees are entitled to leave at full pay for up to one year. Such leave with pay is not charged to accrued vacation, sick leave, or extended sick leave.

V. Military Leave

V.1. Military Leave Policy

An employee shall be granted military leave, as specified in [Section G.V.2.](#), for service in the uniformed services.

- a. "Uniformed services" means the Armed Forces, the Army National Guard and the Air National Guard, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.
- b. "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty training, full-time National Guard duty, and a period for which an employee is absent for an examination to determine the employee's fitness to perform such duty.

V.1.1. Advance Notice of Leave

The employee shall provide as much advance oral or written notice of the leave as possible, except when to do so is precluded by military necessity, impossibility or unreasonableness.



V.1.2. Verification of Orders

The Laboratory may verify the employee's military orders in advance of the leave, but shall not require a copy of official military orders.

V.2. Types of Military Leave

There are five types of military leave:

- a. **Inactive duty for training leave**, when an employee is ordered to weekly or monthly reserve meetings, weekend reserve drills, or other ordered inactive duty for training.
- b. **Temporary military leave**, when ordered to full-time active military duty for training for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.
- c. **Extended military leave**, when an employee enlists or is ordered into active-duty service of any length or active-duty training in excess of 180 days, or when an employee is ordered into active Federal military duty as a member of the National Guard or Naval Militia. Such leave shall be granted for a period not to exceed 5 years, unless it is in an exception category defined under the Uniformed Services Employment and Reemployment Rights Act (USERRA). In addition, leave shall be granted for a period up to 6 months from the date of release from duty.
- d. **Emergency National Guard leave**, when an employee who as a member of the National Guard is called to active duty by proclamation of the Governor during a state of emergency. An employee who as a member of the National Guard is called to active federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave, but shall be granted extended military leave.
- e. **Physical examination leave**, when an employee is required to take a pre-induction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency.

V.3. Pay for Military Leave

V.3.1. Military Leave With Pay

a. Leave for Inactive Duty for Training, Temporary and Extended Military Leave

An employee granted leave for inactive duty for training, temporary military leave, or extended military leave is entitled to receive the employee's regular pay for the first 30 calendar days of the leave in any one fiscal year (up to 174 hours of Laboratory paid time), provided the employee has completed 12 months of continuous University service immediately prior to the granting of the leave (all prior full-time military service shall be included in calculating this service requirement), and provided that the aggregate of payments for leave for inactive duty for training, temporary military leave, extended military leave, and military leave for physical examination do not exceed 30 calendar days' pay in any one fiscal year. Eligible part-time employees receive pay in proportion to the average percentage of full time worked during the three calendar months immediately preceding the leave.

b. Leave for Physical Examination



An employee granted physical examination leave is entitled to receive the employee's regular Laboratory pay provided that:

- (1) The physical examination is a pre-induction or pre-enlistment physical examination required to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency; and
- (2) The aggregate of payments for inactive duty for training, temporary, and extended military leave, and military leave for physical examination do not exceed 30 calendar days' pay in any one fiscal year.

Time off for other physical examinations in connection with military service may be charged to sick leave or vacation, or is charged as leave without pay.

c. Leave for Emergency National Guard Duty

An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular pay for a period not to exceed 30 calendar days (up to 174 hours of Laboratory pay) in any one fiscal year. An employee is eligible for pay regardless of the length of University service, and such pay is *in addition to* any Laboratory payment for inactive duty for training, temporary or extended military leave, or military leave for physical examination leave.

V.3.2. Military Leave Without Pay

An employee who is not eligible for Military Leave With Pay ([see Section G.V.3.1.](#)) may elect to have absences for military leave charged to the employee's accrued vacation or may elect to take the time as leave without pay.

V.4. Reinstatement Following Military Leave

Following release from military service, an employee shall have such right to return, as is required by State and Federal law in effect at the time the employee applies for reinstatement.

V.5. Effect on Benefits

An employee granted military leave shall receive benefits as provided below:

- a. An employee on military leave with pay shall receive all benefits related to Laboratory employment that are granted when an employee is on regular pay status.
- b. An employee on military leave without pay shall receive:
 - (1) Retirement benefits and service credit in accord with the provisions of the applicable retirement system;
 - (2) Health plan coverage at the employee's request and expense for a limited period of time as described in the University Group Insurance Regulations;
 - (3) Other length-of-service credits related to employment that would have been granted had the employee not been absent on military leave, provided the employee returns to University service at the conclusion of the leave in accordance with applicable Federal and State laws; and
 - (4) Vacation and sick leave accruals and holiday pay in accordance with those policies.



c. Vacation Leave Credits. When an employee is on extended military leave:

- (1) The employee may elect to receive a lump-sum payment for some or all of the employee's accrued vacation upon commencement of the leave or at any point during the leave.
- (2) The employee may elect to retain accrued vacation on the records for the entire period of the leave.
- (3) Once an employee has exhausted all periods of paid military leave, the employee may elect to use accrued vacation to receive Laboratory pay during periods of unpaid leave.

d. Sick Leave Credits. When an employee is granted extended military leave, sick leave credit is retained on the records.

V.6. Leave for Defense Work

V.6.1. Policy

Leave without pay may be granted to career employees who are called or who volunteer to serve in scientific research and development under the auspices of the Federal Government during a war or comparable period of national emergency. The leave must be approved by the Director.

V.6.2. Benefits and Reinstatement

Employees granted such leave are eligible for the benefits set forth in [Section G.V.5.](#), and they have the right to return to University service within six months following termination of such defense work or cessation of the war or period of national emergency, whichever occurs first. They are not eligible for the pay provisions set forth in [Section G.V.3.1.](#)

VI. Leave with Pay

VI.1. Court Leave–Policy

Career or flexible term employees who work half time or more, are granted time off for court leave as follows.

VI.1.1. Jury Duty–Policy

Fulltime career or flexible term employees on any shift or work schedule are granted leave with pay for actual time on jury duty, including grand jury duty, and in related travel, not to exceed the number of hours in an employee's normal workday and the normal workweek. The leave with pay shall be at the straight-time rate (including shift differential, if applicable).

Part-time and indeterminate-time career employees are granted leave with pay for actual time spent on jury duty, including grand jury duty, and in related travel that occurs during an employee's scheduled working hours.

VI.1.2. Administrative or Legal Proceedings–Policy

Time spent by employees to attend an administrative or legal proceeding on behalf of the Laboratory or the University is counted as time worked. (For time spent in grievance or complaint resolution, see Sections [H.1.9.](#) and [H.II.10.4.](#))

Fulltime career employees on any shift or work schedule served with a subpoena which compels their presence as a witness (other than as a paid expert witness) are granted leave with pay for



actual time spent at administrative or legal proceedings and in related travel, not to exceed the number of hours in an employee's normal workday and the normal workweek. The leave with pay shall be at the straight-time rate (including shift differential, if applicable).

Part-time and indeterminate-time career employees are granted leave with pay for actual time spent at the proceedings and in related travel that occurs during an employee's scheduled working hours.

Leave with pay is not granted when an employee is the plaintiff or defendant in a proceeding, is called or subpoenaed as a paid expert witness not on behalf of the Laboratory or the University, or is called or subpoenaed because of duties for another employer. The time off is charged to vacation or leave without pay.

VI.2. Voting

All employees are granted necessary time off with pay, not to exceed two hours, for voting in any statewide primary or general election, if they are scheduled to work eight hours on that day and if they do not have time to vote outside their working hours.

VI.3. Blood Donations

Employees are granted time off with pay for the purpose of donating blood during the Laboratory's periodic blood drives.

Employees are also granted time off with pay up to a maximum of two hours to donate blood off site. The time off should be at the beginning or the end of the employee's regular working hours.

VI.4. Public Emergency

The Laboratory Director may declare that a public emergency exists that effectively prevents employees' attendance at work or the continuance of work at the Laboratory in a normal and orderly manner. A public emergency may include a natural disaster, such as fire, flood, earthquake or major storm, a man-made disorder, such as a demonstration, riot, or act of sabotage, or a significant disruption of electrical power or water service. If a public emergency is declared under this policy, the Laboratory Director or Human Resource Manager may grant affected employees a reasonable amount of time off with pay. Hours spent on public emergency leave are not considered time worked for the purpose of computing overtime pay (see [Section L.II.2](#)).

VI.5. Search and Rescue or Disaster Control

Employees who perform search and rescue or disaster control work as members of an organized civil unit may be granted time off with pay for the time required to be away during scheduled working hours when approved by the Laboratory Associate Director for Administration and Operations. Leave with pay is not granted for training, drills, or practice exercises with such organized civil units.

VI.6. Authorized Leave with Pay

VI.6.1. Unlimited-Time Career Employees

Unlimited-time career employees may be granted, in consideration of unusual effort, a leave of absence with pay. Such leave may not be used to balance extra work or on an hour-for-hour basis, and cannot exceed five calendar days in a month.



Authorized leave with pay may not be used in connection with vacation time unless approved by the department head/division leader as being in the best interest of the department/division work schedule.

This leave is not available for limited-time employees.

VI.6.1.1. Granting the Leave

Authorized leave with pay may be granted to unlimited-time career employees as follows:

One working day a month may be granted by the department head/division leader without explanation on the payroll time report.

Two or three working days a month may be granted by a department head/division leader with a memorandum sent to Payroll when the time report is approved supporting an explanation of the unusual effort requiring the leave.

VI.6.2. All Career Employees

Any career employee may be granted up to five working days' leave with pay to cover unusual circumstances. Such leave is granted only when the employee does not have sick leave or vacation credits to cover the absence. The recommendation is made by the department head/division leader on a [Personnel Action Form \(PAF\)](#) and processed for Director's approval by the Human Resources Manager.

VI.7. Security Leave

Leave with pay is granted to any employee who is suspended at the direction of DOE pending a decision on security clearance status, if such leave is authorized by DOE as being in the best interests of the Government. Such leave is not charged against accrued vacation or sick leave credits.

VI.8. Limitation

If an employee is required to work, is on another type of leave with or without pay, or is not scheduled to work during the time other employees are granted administrative leave with pay, such employee is not eligible for additional pay.

VII. Leave without Pay

VII.1. Leave without Pay—Policy

Employees may be granted leave without pay as personal leave, pregnancy disability leave, or family and medical leave, or leave while receiving temporary disability payments under the Workers' Compensation Act as provided in this Section. "Unpaid leave" includes leaves during which an employee receives disability payments.

VII.2. Approvals

VII.2.1. Department Heads/Division Leaders

Department heads/division leaders may approve leave without pay for up to five working days and all family and medical leaves.



VII.2.2. Human Resources Manager

The Human Resources Manager may approve all unpaid leaves (except family and medical leave) over five days and up to twelve months, with the written recommendation of the department head/division leader. The written recommendation shall address items a. through e. listed in [Section G.VII.3.](#) below.

VII.2.3. Director

The Director may approve leaves without pay for more than twelve months in special circumstances.

Approval for extension of a leave beyond three years for an outside work assignment requires advance consultation with the University of California Office of the President. [See Procedure G.VII.](#)

VII.3. Personal Leave without Pay

Career employees may be granted personal leaves of absence for their convenience. The leaves may be granted for reasons such as extended illness, need to care for family members, or education. Leaves also may be granted for temporary employment outside the Laboratory when it is in the interest of public service or when it would be of benefit to the Laboratory upon the employee's return.

The best interests of the Laboratory are to be considered in granting a personal leave. All of the following information is to be considered prior to granting a personal leave:

- a. Approximate dates of the beginning and ending of the leave.
- b. Reason for the proposed leave and its relation to misfortune, unusual circumstances, or benefit to the Laboratory.
- c. Assurance that the employee understands that his/her return to the same or similar position in the department/division is subject to any changes in employment status that would have affected him/her if on pay status.
- d. Assurance that prior to going on leave the employee will take care of all unsettled matters such as accountability for Laboratory property, classified documents, and outstanding travel vouchers, and will provide the information needed to meet the requirements of the medical and security programs.
- e. Assurance that the employee is aware of the effect of a leave without pay on benefits, including group insurance and retirement.

Reinstatement: An employee who has been granted a personal leave without pay shall be reinstated to the same or similar position provided the employee returns to work immediately following termination of the leave. If the position held has been abolished during a leave and a similar position is not available, the employee shall be afforded the same considerations that would have been afforded had that employee been on pay status when the position was abolished. The date of reinstatement is determined when the leave is granted.

Employees are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one or more lost workdays,



- Non-work-related injury or illness of five or more consecutive workdays, or
- Non-work-related injury or illness requiring hospitalization or surgery.

An employee who has been absent because of his or her own illness for over five days may be required to provide certification from a health care provider of his or her fitness to return to work.

VII.4. Pregnancy Disability Leave

An employee who is disabled from working because of pregnancy, child birth or related medical conditions shall be granted, upon request, a leave of absence of up to four months for the period of disability. Pregnancy disability leave may consist of leave without pay and/or paid leave such as accrued sick leave or vacation.

If an employee on approved pregnancy disability leave also is eligible for family and medical leave under [Section G.VII.5.](#), below, up to twelve workweeks of pregnancy disability leave shall run concurrently with family and medical leave. Upon termination of pregnancy disability leave that runs concurrently with federal family and medical leave, an eligible employee shall be granted up to twelve workweeks of family and medical leave for any covered reason except pregnancy or related medical conditions. An employee is entitled to a maximum of seven months combined pregnancy disability leave and family and medical leave during the leave year.

The employee may be eligible for additional personal leave ([see Section G.VII.3.](#)) in addition to pregnancy disability leave and family and medical leave.

Accrued sick leave ([see Section G.III.4.4.](#)) and vacation leave ([see Section G.II.](#)) may be used at the employee's option.

Reduced Work Schedule: When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. The Laboratory may require an employee who is on a reduced work schedule or intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits if the alternative position better accommodates the required work schedule than the employee's position. No deductions shall be made to salary, sick leave or vacation leave credits for unlimited-time employees who are on a reduced work schedule or intermittent leave of less than four hours per work day. Deductions of salary, sick leave or vacation leave credits shall be made in 1/2 day increments only for all partial day absences.

Advance Notice and Certification: Whenever possible, an employee shall provide at least thirty days advance notice. If thirty days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable. Medical certification from a health care provider of the disability may be required.

Temporary Accommodation: As an alternative to or in addition to pregnancy disability leave, the Laboratory shall temporarily modify a pregnant employee's own position or transfer a pregnant employee to a different position upon request and with the advice of the employee's own health care provider, if the temporary modification or transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to four months pregnancy disability leave.

Reinstatement: An employee who has been granted a pregnancy disability leave shall be reinstated to the same position provided the employee returns to work within four months and



immediately following termination of pregnancy disability leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, reinstatement shall be to a similar job (see [Section K.II.2.6.](#) through [K.II.2.11.](#)). If a similar job is not available, the employee shall be afforded the same considerations that would have been afforded had that employee been on pay status when the position was abolished. The date of reinstatement is determined when the leave is granted.

Employees are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one or more lost workdays,
- Non-work-related injury or illness of five or more consecutive workdays, or
- Non-work-related injury or illness requiring hospitalization or surgery.

An employee who has been absent because of her own illness or pregnancy disability for over five days may be required to provide certification from a health care provider of her fitness to return to work.

VII.5. Family and Medical Leave

Family and medical leave is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, child of registered domestic partner, spouse, registered domestic partner, or parent, or to bond with the employee's newborn, adopted, or foster care child in accordance with state and federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall be concluded within twelve months following the child's birth or placement for adoption or foster care.

Eligibility: An employee shall be granted up to twelve workweeks of family and medical leave during the twelve-month period commencing every January 1st provided that:

- a. the employee has at least twelve cumulative months of University service (all prior University service, including non-Laboratory service, shall be used to calculate the twelve-month service requirement); and
- b. the employee worked at least 1,250 actual hours during the twelve months immediately preceding the commencement date of the leave.

Use of Paid Leave. Family and Medical Leave is unpaid leave except under the following circumstances:

- a. Accrued vacation earned under [Section G.II.](#) may be used at the employee's option.
- b. Accrued sick leave earned under [Section G.III.](#) may be used during a family and medical leave granted for an employee's own serious health condition or pregnancy disability. To the extent permitted by section [G. III.4.5.](#), Family Sick Leave, sick leave may be used during a family and medical leave granted to care for a child, child of registered domestic partner, spouse, registered domestic partner or parent with a serious health condition.
- c. Extended sick leave may be used during a family and medical leave granted to an employee who is receiving temporary disability payments under the Workers' Compensation Act, subject to section [G.IV.](#)



The Department Head shall designate all paid and unpaid leaves as family and medical leave if the leave meets the requirements set forth above.

Reduced Work Schedules. When medically necessary, an employee may be granted family and medical leave on a reduced work schedule or on an intermittent basis. The Laboratory may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position with equivalent pay and benefits if the alternative position better accommodates the required work schedule than the employee's own position. No deductions shall be made to salary, sick leave or vacation leave credits for unlimited-time employees who are on a reduced work schedule or intermittent leave of less than four hours per work day. Deductions of salary, sick leave or vacation leave credits shall be made in 1/2 day increments only for all partial day absences.

Advance Notice and Certification: Whenever possible, an employee shall provide at least thirty days advance notice. If thirty days is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.

Employees taking leave for more than five days may be required to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member.

Reinstatement: An employee who has been granted a family and medical leave, shall be reinstated to the same or equivalent position provided the employee returns to work immediately following termination of the leave. If the position held has been abolished during a leave and an equivalent position is not available, the employee shall be afforded the same considerations that would have been afforded had that employee been on pay status when the position was abolished. The date of reinstatement is determined when the leave is granted. Employees who were on family leave related to their own illness or injury are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one or more lost workdays,
- Non-work-related injury or illness of five or more consecutive workdays, or
- Non-work-related injury or illness requiring hospitalization or surgery.

An employee who has been absent because of his or her own illness for over five days may be required to provide certification from a health care provider of his or her fitness to return to work.

Additional Leave: An employee may also be eligible for additional personal leave under [Section G.VII.3.](#)

VII.6. Leave without Pay for Temporary Workers' Compensation

Employees who are off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of the department head/division leader, a leave without pay for all or part of the period during which temporary disability payments are received.

The leave without pay cannot extend beyond a predetermined date of termination, and an employee who would have been terminated if not receiving temporary disability payments may be terminated.



If an employee on an approved workers' compensation leave is also eligible for family and medical leave under [Section VII.5.](#), up to twelve work weeks of temporary disability leave shall run concurrently with family and medical leave.

Reinstatement: The date of reinstatement is determined when the leave is granted, except as provided above. An employee who has been on work-incurred disability leave shall be reviewed for reinstatement or eligibility for vocational rehabilitation services ([see Section M.](#)) Employees are required to report to the Health Services Department for a return-to-work clearance for:

- Work-related injury or illness involving one or more lost workdays,
- Non-work-related injury or illness of five or more consecutive workdays, or
- Non-work-related injury or illness requiring hospitalization or surgery.

An employee who has been absent because of his or her own illness for over five days may be required to provide certification from a health care provider of his or her fitness to return to work.

VII.7. Exhaustion of Leave Credits

Employees who exhaust all vacation and/or sick leave credits during a period of paid leave shall be continued as absent without pay ([see Section A.III.1.](#)) for a period not to exceed five working days pending resolution of their employment status.

VII.8. Effect on Benefits

Employees do not accrue vacation and sick leave credits during periods of leave without pay.

An employee on approved Federal Family and Medical leave shall be entitled to continue participation in health plan coverage (medical, dental, and optical) as if on pay status for a period of up to twelve workweeks in a twelve-month period.

If an employee fails to return to work after FMLA leave, the Laboratory may recover health, dental, and vision plan premiums unless the failure to return to work was due to a continuation of the serious health condition or to circumstances beyond the employee's control.

Periods before and after an approved leave without pay are considered continuous service for purposes of eligibility for benefits based on length of service, except that the regulations of the retirement system must be checked to determine the effect of the leave on retirement benefits.

VII.9. Record of Leaves without Pay

Each approved leave without pay in excess of five working days must be processed on a [Personnel Action Form \(PAF LL-5153\).](#)

VIII. Retirement Systems

VIII.1. Retirement—Policy

Career employees must become members of a retirement system to which the Laboratory contributes.



VIII.2. University of California Retirement Plan (UCRP)

Career employees hired since September 30, 1961, are members of the UCRP. Those employees hired since April 1, 1976, are members of UCRP coordinated with the Social Security System, as are employees hired prior to April 1, 1976, who elected coordination.

VIII.3. Public Employees' Retirement System (PERS)

Most career employees hired prior to September 30, 1961, are members of PERS. Some employees who are members of PERS are coordinated with the Social Security System.

IX. Group Insurance Plans

IX.1. Temporary Disability Insurance

Eligible employees are provided the University-paid temporary disability insurance.

IX.2. Accident Insurance

Any employee on official per diem travel status is covered by accidental death, dismemberment, and total disability insurance. The cost of this insurance is paid by the Laboratory. The beneficiary is the beneficiary on record with the retirement system.

IX.3. Optional Benefits

Eligible employees are provided the opportunity to enroll in life, accidental death and dismemberment, disability, legal, health, dental, optical, and auto insurance, and tax-deferred and after-tax contribution plans.

Contact the Employee Benefits and Services Division for current eligibility for all benefits.

IX.4. Death Benefit

On the death of an eligible employee, a sum equal to one month of the deceased's regular salary is paid to the surviving spouse, registered domestic partner or, if there is no surviving spouse or registered domestic partner, to the employee's eligible dependent(s), or, if there is neither a surviving spouse, registered domestic partner nor eligible dependent(s), to the beneficiary designated in the deceased's University-paid life insurance.

If the deceased leaves neither spouse, registered domestic partner nor eligible dependents and if there is no University-paid life insurance policy or no designated beneficiary of any such policy, then the death payment shall be made to the estate of the deceased. An eligible employee is one who has been on pay status half time or more for at least six continuous months immediately prior to death. Months before and after an approved leave without pay are counted as continuous months.

Eligible dependents are those who receive the majority of their support from the deceased employee in accord with Internal Revenue Service standards.

This payment is in addition to any other payments (salary, vacation, overtime, other monies) due the employee. Payment includes the employee's salary for the day of death unless the employee was on leave without pay on the day of death.

For the purpose of this policy, the term "University-paid insurance policy" shall be interpreted to include state-paid life insurance available to PERS members.



IX.5. Unemployment Insurance

Laboratory employees in California are covered by California Unemployment Insurance law.

IX.6. Workers' Compensation for Work-Incurred Injury or Illness

[See Section G.IV.](#)

Contact the Employee Benefits and Services Division for current eligibility for all benefits.

X. Awards and Recognition Programs

Guidelines

It is Laboratory policy to provide certain employee recognition awards. Overhead funding for such awards is provided under the Awards and Recognition Program as approved by the Department of Energy. Programmatic funds are not to be used for this purpose. These awards fall into two categories:

(1) awards that are University service connected (e.g., 10-year pins, retiree dinners), and (2) awards that are given by departments or programs in recognition of exceptional accomplishments.

a. Service and Retirement Awards

Under the University service awards portion of the program, eligible employees select a gift from a standard group of gift items. Each retiring employee is eligible to receive a Laboratory retirement plaque. Distribution of these awards is coordinated between the Employee Benefits and Services Division and the department/division Awards Coordinators.

b. Recognition Awards and Activities

Plaques and related items to recognize individuals or groups of employees are to be funded from the "Awards and Recognition" overhead account. Because these funds are limited each year, requests will be handled based on an annual projection of requirements. Special requests over and above these projections will be covered as long as funding is available. In order to provide some consistency throughout the Laboratory in using these funds, the following requirements have been established:

- All awards will be purchased from outside vendors except as otherwise provided in writing by the Director. The standard service/retirement awards items can be customized by outside vendors for individual program, department, or division needs.
- Costs for individual service/retirement awards beyond those provided by the Laboratory are not to exceed \$150.00.
- Reception refreshments are to be limited in cost to punch and cookies or similar items.
- Awards/Recognition funding will not be used for awards for employees who are transferring within the Laboratory. Certificates are available for this purpose.

Procedure for Obtaining Funds for Employee Recognition Awards and Activities

All requests are to be in writing to Human Resources with the cognizant Associate Director approval. Requests are to include the following:

- A description of the circumstance or the event.



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- The number of employees involved.
- A detailed cost itemization, including materials and labor.
- If the award(s) are to be produced in-house, the request must indicate that the work requires specific knowledge of the Laboratory and its processes. This knowledge would be very difficult to convey to outside vendors because of the details involved.

Awards and Recognition funding is coordinated by Human Resources for the Director. All requests are to be forwarded to the Human Resources Manager in writing following the procedure set forth above.

last update - January 2006

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For policy-related questions, contacts are:

[Employment Representatives](#), [Patricia Rzeszutko](#) X 2-6597

For web-related questions about this page, contact: [Workforce Planning and Analysis, SEDD](#)

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